

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUBO et al.	Examiner:	McDOWELL, B.
Serial No.:	10/535268	Group Art Unit:	1624
Filed:	March 21, 2006	Docket:	8279.1210USWO
Title:	IMIDAZOLE DERIVATIVE, THEIR PRODUCTION AND USE		

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted by EFS Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1 OCTOBER 2009.

By: 

Name: Heidi McCarty

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form SB08 are brought to the attention of the Examiner. Copies of any foreign patent documents or "Other Documents" are enclosed.

Applicants enclose herewith a copy of an Office Action received in the corresponding European patent application. A copy of the Office Action, dated 28 July 2009, is attached herewith. Applicants advise that references D1 and D5-D9 cited in the Office Action were submitted in the Information Disclosure Statement filed 19 September 2006. Furthermore, references D2-D4 cited in the Office Action were submitted in the Information Disclosure statement filed 21 May 2009.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §1.98(a)(3)):

EP 1 564 213 corresponds to WO 2004/048363. US 2003/0187023 corresponds to WO 02/06234. US 6,541,488 corresponds to WO 98/56365. US 6,596,754 corresponds to WO 00/13707. US 2005/0282808 corresponds to WO 03/082847. US 5,559,232 corresponds to JP 7-112970. EP 0 798 295 corresponds to WO 96/16940. EP 1 043 311 corresponds to WO 99/26919. EP 1 048 652 corresponds to WO 99/33805. EP 1 104 754 corresponds to WO 00/09480. US 2004/0254175 corresponds to WO 03/039543. US 2005/0203127 corresponds to WO 2004/002477. English abstracts are provided for JP 50-11391, and WO 00/78747. A partial verified English translation is provided for JP 5-208946. A full verified English translation is provided for WO 2004/35579. EP 1 191 028 corresponds to WO 01/02397.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☒ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☐ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

### STATEMENT

Applicants hereby state that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement

- ☐ If this box is checked, Applicant provides the following:

#### **Certification Under 37 C.F.R. §1.704(d)**

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form SB08 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☒ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

<b><u>Application No.</u></b>	<b><u>Publication No.</u></b>	<b><u>Filing Date</u></b>	<b><u>Group</u></b>
11/596089	2007/0244118 A1	8 Nov. 2006	1625
12/157574	2008/0255352 A1	11 June 2008	1625
12/157573	2008/0255362 A1	11 June 2008	1625

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form SB08, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

**FEE AUTHORIZATION**

Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER & LARSON,  
P.C.

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Dated: 1 October 2009

By: 

Douglas P. Mueller  
Reg. No. 30,300

DPM:hjm